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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,188	09/30/2003	Mark J. Zach	58976US002	7105

32692 7590 09/16/2004

3M INNOVATIVE PROPERTIES COMPANY  
PO BOX 33427  
ST. PAUL, MN 55133-3427

EXAMINER
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LANGDON, EVAN H

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/676,188	ZACH ET AL.	
	Examiner	Art Unit	
	Evan H Langdon	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>29 December 2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if the “a stationary cam for moving the slats towards the first position” is another claimed feature in addition to the “a slat repositioning device for moving the slats towards the first position” of claim 1, or further defining the slat repositioning device? For the purposes of examination, the latter will be assumed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott (US 3,052,395).

In regards to claims 1 and 2, Scott discloses slat roller for controlling the movement of moving web 10 of indefinite length materials comprising;

a rotatable roller body 18 having a longitudinal axis 16;

a plurality of slats 14 mounted on a circumference of the roller body in such a fashion that the slats may translate from a first position in a direction parallel to the longitudinal axis when the slats are in contact with the moving web 10, as seen in Figure 1; and

a slat repositioning device 26 for moving the slats towards the first position when the slats are not in contact with the moving web, the translation of slats a non-normal angle of incidence of the web to the longitudinal axis.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et al. (US 3,095,131).

In regards to claims 1 and 2, Robertson discloses slat roller for controlling the movement of moving web 12 of indefinite length materials comprising;

a rotatable roller body (Fig. 14-17) having a longitudinal axis 90;

a plurality of slats 78 mounted on a circumference of the roller body in such a fashion that the slats may translate from a first position in a direction parallel to the longitudinal axis when the slats are in contact with the moving web 12, as seen in Figure 2; and

a slat repositioning device 85 for moving the slats towards the first position when the slats are not in contact with the moving web, the translation of slats a non-normal angle of incidence of the web to the longitudinal axis.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3654

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Planeta et al. (US 6,013,212).

Planeta teaches system for inverting a moving web 12 of indefinite length material, comprising:

a first turning roller 18 and a second turning roller 22;

one or more rollers 20 for conveying the moving web between the first turning roller 18 and the second turning roller 22;

the moving web, starting in a first orientation, is directed around the first turning roller, the one or more rollers 20 and the second turning roller, it emerges in a second orientation which is inverted from the first orientation, as seen in Figure 1; and

where the first and second turning rollers are rotatably mounted perpendicular to each other.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the slate roller of Scott to be used in a system of rollers utilizing more than one turning roller and more than one guide roller as suggested by Planeta, to move the web to any desired orientation.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson in view of Planeta et al. (US 6,013,212).

Planeta teaches system for inverting a moving web 12 of indefinite length material, comprising:

a first turning roller 18 and a second turning roller 22;

one or more rollers 20 for conveying the moving web between the first turning roller 18 and the second turning roller 22;

the moving web, starting in a first orientation, is directed around the first turning roller, the one or more rollers 20 and the second turning roller, it emerges in a second orientation which is inverted from the first orientation, as seen in Figure 1; and

where the first and second turning rollers are rotatably mounted perpendicular to each other.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the slate roller of Robertson to be used in a system of rollers utilizing more than one turning roller and more than one guide roller as suggested by Planeta, to move the web to any desired orientation.

In regards to claim 8 Robertson as modified by Planeta teaches the slat repositioning device 85 (Robertson) is a stationary cam for moving the slats to the first position.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Kathy Matecki*  
KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600